

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

March 12, 2008

I. ROLL CALL

Present: Ali-Santosa, Tabladillo and Williams
Absent: None
Staff: Ah Sing, Andrade, Bejines and Kunsman

1. SITE AND ARCHITECTURAL REVIEW AMENDMENT NO. SA08-0005

Tiffany Kunsman, Project Planner, presented a request to allow for exterior modifications to a restaurant located within the Great Mall at 246 Great Mall Drive. Ms. Kunsman recommended the Commission approve the project subject to the findings and special conditions of approval.

Motion to approve Site and Architectural Review Amendment No. SA08-0005.

M/S: Tabladillo/Williams

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:40 p.m.

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I. PLEDGE OF ALLEGIANCE

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL

Present: Ali-Santosa, Ciardella, Galang, Mandal, Sandhu, Tabladillo and Williams
Absent: None
Staff: Andrade, Ah Sing, Bejines, Hom, Kunsman, Lindsay, Ogaz, Oliva, Rodriguez and Whitecar

III. PUBLIC FORUM

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

Theodore Weller, PO Box 360929, Milpitas, CA, said there is a piece of property just north of where the library is being built and unfortunately, the owner ran into problems building the project because of the water table that is there. Right now, they are building senior housing, a medical center, two garages, and the proposed library and he suggested that the City find the funds, possibly in the redevelopment agency, to buy that property and turn it into a small park so people can enjoy themselves.

Chair Williams encouraged staff to contemplate what Mr. Weller said.

IV. APPROVAL OF MINUTES February 27, 2008

Chair Williams called for approval of the minutes of the Planning Commission meeting of February 27, 2008.

Sheldon Ah Sing, Senior Planner, noted that under roll call, he was not present at the last meeting.

Motion to approve the minutes of February 27, 2008 as modified.

M/S: Sandhu/Mandal

AYES: 6

NOES: 0

ABSTENTIONS: 1 (Tabladillo)

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**V.
ANNOUNCEMENTS**

James Lindsay, Planning and Neighborhood Services Director, announced that for the next Planning Commission meeting, both himself along with Commissioner Ali-Santosa and Commissioner Galang will be at the Planners Institute Conference and Sheldon Ah Sing, Senior Planner will be attending the March 26th meeting in his absence. He also announced that the City Clerk needs the Form 700's signed and returned. Per the Open Government Ordinance, the City Council and the Planning Commission are the two bodies that should update their appointments on the City Officials Event Calendar on the website and asked the Commission if they have any questions to please call Yvonne Andrade for any questions.

Chair Williams announced that he is going to change seating arrangements at the next meeting. He also encouraged the remaining Commissioners to attend the next meeting to make sure they have a quorum since two Commissioners will be at a conference and Commissioner Tabladillo will be out of town on business.

**VI.
CONFLICT
OF INTEREST**

City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

**VII.
APPROVAL OF
AGENDA**

Chair Williams called for approval of the agenda.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Mandal/Ali-Santosa

AYES: 7

NOES: 0

**VIII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar.

Chair Williams opened the public hearing on item no. 3.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

Motion to approve the consent calendar.

M/S: Mandal/Galang

AYES: 7

NOES: 0

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***3 CONDITIONAL USE PERMIT NO. UP08-0005:** A request to allow a take out restaurant with interior tenant improvements located at 136 North Milpitas Boulevard. *(Recommendation: Adopt Resolution No. 08-009 for approval)*

**IX.
PUBLIC HEARING**

**1. CONDITIONAL USE
PERMIT AMENDMENT
NO. UA08-0003**

Cindy Hom, Junior Planner, presented a request to amend an existing Conditional Use Permit (UP2006-15) for modifications to the approved floor plan and to permit joint parking facilities for an industrial building located at 1511 Buckeye Drive. Ms. Hom recommended that the Commission Adopt Resolution No. 08-011 for approval.

Vice Chair Mandal asked if there is a different grade level connecting the buildings and Ms. Hom said no.

Vice Chair Mandal asked about the pedestrian connection between both sites. Ms Hom said there is a leveled pathway between the parking lots and it leads to building 5.

Vice Chair Mandal asked if cars are allowed to go through the pedestrian connection and Ms. Hom said yes.

Vice Chair Mandal suggested that speed humps should be installed for pedestrian safety.

Commissioner Tabladillo asked if the pedestrian walkway will be clearly marked and Ms. Hom deferred the question to the applicant.

Chair Williams asked if there is going to be any modifications to the outer perimeter of the building and Ms. Hom said no, they are just installing sidewalks.

Chair Williams introduced the applicant.

Robert Cordes, Architectural Design Management Inc., 1511-M Sycamore Avenue #101, Hercules, CA, said he is available to answer any questions.

Commissioner Tabladillo asked if the pedestrian walkway will be marked and Mr. Cordes said it will be marked with low lights and landscaping and will be much safer and visible.

Commissioner Tabladillo asked if there any plans to continue this type of walkway to the end of the parking lot. Mr. Cordes said the ultimate plan is to wrap the walkway around the building however this is an interim solution.

Vice Chair Mandal asked if cars will be going through the walkway and Mr. Cordes said the cars will be perpendicular to the walkway.

Vice Chair Mandal asked if the applicant could install speed humps and Mr. Cordes said that Linear Technology does not have speed humps on the site right now however if speeding becomes a problem, it could be done.

Vice Chair Mandal asked what is Building 5 used for and Mr. Cordes said Building 5 is used for Engineering and warehousing will be moved offsite.

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Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo/Sandhu

AYES: 7

NOES: 0

Motion to approve Conditional Use Permit Amendment No. UA08-0003 and Adopt Resolution No. 08-011 for approval.

M/S: Mandal/Ali-Santosa

AYES: 7

NOES: 0

2. CONDITIONAL USE PERMIT NO. UP08-0002

Tiffany Kunsman, Junior Planner, presented a request to locate a new take-out restaurant with parking reduction within the Victoria square shopping center located at 1243 E. Calaveras Blvd. Ms. Kunsman recommended the Commission adopt Resolution No. 08-010 for approval.

Chair Williams asked about traffic conditions related to the future daycare center located at the old yellow house and to the new restaurant. Ms. Kunsman said the study did not include the parking for the yellow house but there is a surplus of 96 parking spaces.

Vice Chair Mandal said it is hard to find parking at the shopping center during lunchtime and finds it hard to believe there is a surplus of 96 parking spaces. He asked if the surplus parking includes the back of the parking lot and Ms. Kunsman said yes.

Chair Williams suggested that staff contact the property owner and ask that all tenants park in the back.

City Attorney Mike Ogaz said for safety reasons, he would not recommend that staff contact the property owner and suggest that employee's park in the back because it might be a bad idea for female employees.

Chair Williams said he wanted staff to start a dialogue with the property owner.

Chair Williams asked if the traffic study performed during lunch time included the whole parking lot and Ms. Kunsman said yes.

Commissioner Sandhu said that the Shell gas station owner from across the street contacted him and would like the City to install a U-turn sign because many of his patrons are getting tickets.

Chair Williams asked that the traffic engineer look into that.

Commissioner Galang asked if there is a Subway across the street and Ms. Kunsman deferred the question to the applicant.

Commissioner Galang asked if there is a separate entrance or counter for the takeout and Ms. Kunsman said there is one entrance and the takeout area is calculated by the counter where the people stand in line and walk to the counter to order.

Commissioner Galang asked if there is a sign for takeout and Ms. Kunsman deferred the question to applicant.

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Commissioner Ciardella asked if the big yellow house is a separate lot and Ms. Kunsman said yes.

Commissioner Ciardella asked if the big yellow house parking stalls got counted in the parking study and Ms. Kunsman said no.

David J. Elliott, Architect for Subway, 17800 Cunha Lane, Salinas, CA, said it would be a legal problem to make employees park in the back. He said the nearest Subway is on Milpitas Boulevard and there is not a Subway across the street. He said parking is the biggest issue and the peak hours are during lunchtime. There is not a sign for takeout because the majority of the clientele eat at the restaurant.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

Motion to approve Conditional Use Permit No. UP08-0002 and Adopt Resolution No. 08-010 for approval.

M/S: Ali-Santosa/Mandal

AYES: 7

NOES: 0

X. PRESENTATION

3. UPDATE ON SOUTH MAIN STREET STREETSCAPE – PHASE I PROJECT

Jaime Rodriguez, Traffic Engineer, presented a progress report regarding the implementation of streetscape improvements. Mr. Rodriguez recommended note receipt and file.

Chair Williams asked about the progress on gateway signs. Mr. Rodriguez said that Centria submitted their off sign improvement plans however they will not put a welcome of Milpitas gateway sign.

Chair Williams asked if the City is pursuing a gateway sign or monument sign and what other partnerships can be pursued if the City has no money. Mr. Rodriguez said when a new applicant comes in staff will work with them for them to put in a sign.

Chair Williams asked if the creek across from Centria will have the same streetscape design as the other areas on Great Mall Parkway. Mr. Rodriguez said the sidewalk is very narrow and the creek will not receive street trees or light but staff wants to install an iron rod fence and some brick pavers.

Chair Williams asked if there a way to soften the look near the creek. Mr. Rodriguez said he will look into adding ivy.

Commissioner Tabladillo asked if bike paths and benches will be included along the streetscape design and Mr. Rodriguez said yes.

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Commissioner Tabladillo asked if the entire streetscape along Elmwood will be carried into the Main Street area and Mr. Rodriguez said yes.

Commissioner Tabladillo asked if the design will be carried all the way into Jacklin Road and Mr. Rodriguez said no.

Commissioner Tabladillo suggested that the City look into corporate sponsors to get the monument signs built.

Vice Chair Mandal asked if the streetscape design will be carried through between Cedar and Montague Expressway. Mr. Rodriguez said that staff just received a grant for \$850,000 and the funds were used between Great Mall Parkway and Cedar. However, from Cedar to Montague, staff is waiting for another applicant that would have the financial means to help out.

Vice Chair Mandal asked where the grant comes from and Mr. Rodriguez said it came from VTA's Community Design and Transportation Program.

Commissioner Ciardella asked if there will be any upgrades to the bus stops and Mr. Rodriguez said that each bus stop will be updated to a bus shelter and will have a decorative trash receptacle.

Vice Chair Mandal asked who is responsible for cleaning the bus shelters and Mr. Rodriguez said that if the bus shelters are non VTA standards then it is the expectation from VTA that the City will maintain the bus stops.

Chair Williams asked if the bus route on Main Street will be redirected to Abel Street and Mr. Rodriguez said there are no plans for VTA to change the route right now and he does not envision it going to Abel Street.

Chair Williams asked if the City will be involved with decorating the area under the light rail and Mr. Rodriguez said the City is looking at receiving funding with VTA to getting that area landscaped.

Chair Williams recalled that the area was supposed to be decorated with art. Mr. Lindsay pointed out that staff is working on a financing package with the Transit Area Plan to pay for those type of amenities and is also applying for a statewide grant to put streetscape plans into place.

Chair Williams said he would like the Art Commission to be involved to make that area look nice.

Commissioner Tabladillo asked if the City could put advertising on the bus shelters and Mr. Rodriguez said yes.

Vice Chair Mandal asked if there are solar panels on the bus shelters and Mr. Rodriguez said yes.

Chair Williams noted that this item is not a public hearing and asked if anyone from the public wants to speak on this item.

There were no speakers from the audience.

Chair Williams noted that this is a note receipt and file.

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4. DEVELOPMENT REVIEW WITHIN THE MIDTOWN SPECIFIC PLAN AREA

Tiffany Kunsman, Project Planner, presented a review of the proposed development and design within the Midtown Specific Plan area. Ms. Kunsman noted to the Planning Commission that no action is necessary and this is a note receipt and file.

Chair Williams asked if the Centria project has been put on hold by the developer. Mr. Lindsay said they plan to complete building 1 and are holding off on building 2.

Commissioner Tabladillo said she is concerned about the heavy traffic on Main Street and asked how the kids from St. John's school will be safe when walking to the public library. Mr. Lindsay said the intent for the Streetscape project was for Abel Street to take all the traffic and for street calming measures to be put into Main Street however that has not happened yet. He felt over time, the effort in both street designs is to make Main Street more pedestrian friendly.

Chair Williams asked who has control over traffic signal timing and Mr. Lindsay said the City does except for County land.

Commissioner Sandhu asked staff to take a look at the Post Office because it is difficult to drive in and out of the parking lot.

Mr. Lindsay said he will take all of the traffic concerns to the traffic engineer.

Commissioner Galang asked if the parking lot is finished for the county health clinic and if there will be a fence surrounding the structure and Ms. Kunsman said no.

Chair Williams noted that this item is not a public hearing and asked if anyone from the public wants to speak on this item.

There were no speakers from the audience.

Chair Williams noted that this is a note receipt and file.

XI. NEW BUSINESS

5. REVIEW OF CONDITIONAL USES WITHIN INDUSTRIAL ZONES

Diana Whitecar, Economic and Development Director, James Lindsay, Planning & Neighborhood Services Director, and City Attorney Mike Ogaz presented a discussion of the variety of non-industrial uses that are conditionally allowed in the industrial zoning districts and recommended that the Commission provide direction to staff.

Commissioner Tabladillo asked how other cities manage this issue and Mr. Lindsay referred the Commission to Exhibit 2 of the Conley Report which surveyed other communities regarding industrial land use policies.

Commissioner Tabladillo asked where a good location for non-industrial uses to locate is. Mr. Lindsay pointed out that existing uses could remain as a legal non-conforming use, but would look towards what areas to allow these types of uses. He pointed out that currently, Calaveras Blvd. and California Circle are both zoned industrial park however it does not feel like an industrial park when driving in the area.

Commissioner Tabladillo asked how the City handles residential projects that want to locate in industrial parks. Mr. Lindsay said the City has control over its land use decisions and has the discretion to change the land use map 4 times a year. Ultimately, the City decides to change the land use or not.

Vice Chair Mandal said it is interesting to allow these types of uses in the City and asked how religion land use law applies.

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City Attorney Mike Ogaz said it goes back to how the City handles the ordinance or decision by the Planning Commission and City Council and whether they are putting a substantial burden on the institution. There is a risk of getting a federal lawsuit however the question of the context is to create enough places that a church could be located.

Mr. Lindsay said that staff is looking at general consensus from the Planning Commission to identify areas where those uses could locate.

Ms. Whitecar said that the Economic Development department did a lot of outreach with stakeholders and they are under the impression that staff will not be moving forward to Council until they go back and meet with the stakeholders.

Commissioner Ciardella asked if there is a way to restrict religious facilities to be located within a quarter of a mile of another facility. Mr. Lindsay said yes and an example would be that quasi-public uses cannot locate within 1000 square feet of each other in the Midtown area.

Commissioner Tabladillo said that she relies on the expertise of staff and would like them to put something together and bring it back to the Planning Commission.

Commissioner Sandhu said when his congregation was applying for a church on Main Street he was told that they cannot have a church located within 1000 square feet. He said that all churches are not the same and are different religions and doesn't think the policy is fair and that religious facilities should be able to locate on Main Street. There is a lot of development and people are moving in Milpitas and religious needs are important. If the City wants to protect industrial areas then the best place to put churches is in residential areas and if there is no place in residential areas then they will have to move to industrial areas.

Chair Williams said because of the religious land use law and pro-business, the City should have an ongoing dialogue with the stakeholders to bring their business here to the community and the City should maintain a balance.

Vice Chair Mandal asked about the stakeholders and Ms. Whitecar said they consist of property owners, tenants and the community.

Chair Williams noted that this item is not a public hearing and asked if anyone from the public wants to speak on this item.

Frank De Smidt, Economic Development Commission, said land in Milpitas is getting scarce and other quasi-public uses have moved and the industrial land needs to be preserved as much as possible. He knows of a place in Milpitas where a security guard has to be hired to keep churches from using their parking lot and he likes the idea of opening residential for quasi-public uses.

Don Peoples, 3444 Spring Creek Lane, Milpitas, said the City needs a policy for quasi public uses, industrial and medical uses or rezoning of industrial land to residential and that public safety is a direct cost or an indirect cost and is not making a direct impact to the economy. He pointed out that earlier in the meeting, Linear Technology was able to expand however he guarantees they wouldn't have done that if there was a church or school in the area. Companies look at influence of adjacent properties in the region and it would be ideal for a quasi-public uses not to locate in an industrial area and felt that the City should preserve the industrial land.

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Mr. Lindsay said that staff will do more homework and come back with ideas.

Chair Williams noted that this is a note receipt and file.

**XII.
ADJOURNMENT**

The meeting was adjourned at 10:03 p.m. to the next regular meeting of March 26, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Veronica Bejines
Recording Secretary

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